

4. On or about January 9, 2013, HARVEY possessed, controlled, and maintained more than 11,000 copies of counterfeit and bootleg movie DVDs and more than 5,500 copies of counterfeit and bootleg music CDs.

5. On or about January 9, 2013, within the Eastern District of Missouri,

RANDALL E. HARVEY,

the defendant herein, during any 180-day period, did willfully and for the purpose of private financial gain infringe the copyright of one or more copyrighted works; to wit, by reproducing and distributing, and offering for distribution, at least ten (10) copies of copyrighted works, including DVD copies of movies, the copyrighted works having a total retail value of more than \$2,500.

In violation of Title 17, United States Code, Section 506(a)(1)(A) and Title 18, United States Code, Sections 2319(b)(1) and 2.

FORFEITURE ALLEGATION

The United States Attorney further alleges that:

1. Pursuant to Title 18, United States Code, Section 2323, upon conviction of an offense in violation of Title 17, United States Code, Section 506(a)(1) as set forth in Count One, the defendant shall forfeit to the United States of America any article, the making or trafficking of which is prohibited by Section 506(a)(1), any property used, or intended to be used, in any manner or part to commit or facilitate the commission of said offense, and any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of said offense.

2. Pursuant to Title 18, United States Code, Section 2323, upon conviction of an offense in violation of Title 18, United States Code, Section 2319 as set forth in Count One, the

defendant shall forfeit to the United States of America any article, the making or trafficking of which is prohibited by Title 18, United States Code, Section 2320; any property used or intended to be used in any manner or part to commit or facilitate the commission of said offense; and any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of said offense.

3. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said offense.

4. Specific property subject to forfeiture includes, but is not limited to, the following:

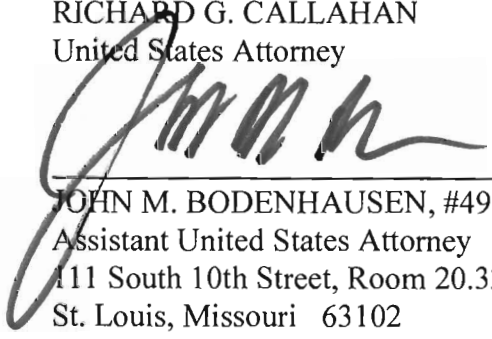
- a. six (6) non name CD/DVD duplicating towers;
- b. four thousand four hundred thirty-two (4,432) empty DVD jewel cases;
- c. one hundred sixty-two (162) empty CD jewel cases;
- d. four thousand one hundred (4,100) empty paper/plastic CD/DVD cases;
- e. five thousand five hundred ninety-six (5,596) counterfeit music CDs;
- f. eleven thousand one hundred forty-eight (11,148) counterfeit DVD movies;
- g. one hundred sixty-two (162) blank CD-Rs;
- h. one (1) black Mossberg 12 ga. shotgun (ser. no. T766048);
- i. one (1) Smith & Wesson pistol (ser. no. DSL7930);
- j. one (1) Century Arms C93 semi-automatic pistol (ser. no. C93P00849) and two (2) 30-round magazines;
- k. ammunition seized from 5112 Natural Bridge, St. Louis, MO, on January 9, 2013; and
- l. miscellaneous papers and suspected counterfeit shoes, seized from 5112 Natural Bridge, St. Louis, MO, on January 9, 2013.

5. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty, the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

Respectfully submitted,

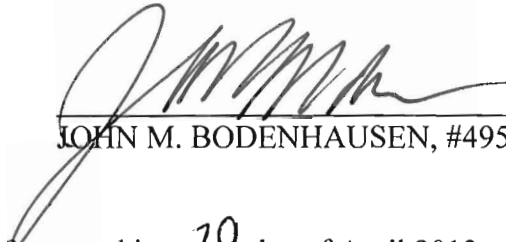
RICHARD G. CALLAHAN
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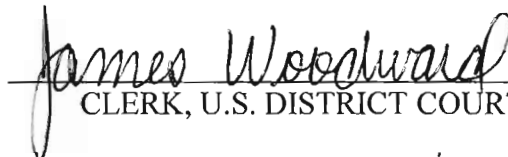
UNITED STATES OF AMERICA)
EASTERN DIVISION)
EASTERN DISTRICT OF MISSOURI)

I, John M. Bodenhause, Assistant United States Attorney for the Eastern District of Missouri, being duly sworn, do say that the foregoing information is true as I verily believe.



JOHN M. BODENHAUSEN, #49568MO

Subscribed and sworn to before me this 29 day of April 2013.



CLERK, U.S. DISTRICT COURT

By: 

DEPUTY CLERK